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November 28, 2021

Hon. Brian M. Cogan
United States District Court Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

RE: Brainwave Science, Inc. v. Arshee, Inc. et al
Civil Action No.: 21-CV-04402 (BMC)

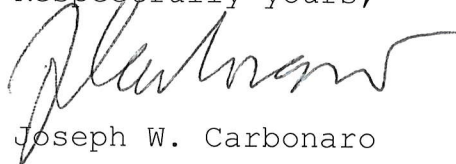
Your Honor:

This office represents all Defendants in the above action. As the Court is aware, an evidentiary hearing is scheduled for November 30, 2021, at which time Mr. Abul Kalam Azad, President and owner of Defendant Arshee, Inc. is to testify regarding the issue of personal jurisdiction. As you will also recall, Mr. Azad affirmed that he is a resident of the State of Washington and has no contacts with New York State sufficient to confer jurisdiction over Arshee. The Court granted Arshee leave to file a motion pursuant to Fed. R. Civ. P.12(b)(2) to dismiss as to all defendants. The purpose of Mr. Azad's testimony is to allow Plaintiff to cross-examine him concerning personal jurisdiction and to allow any further re-direct examination that may be necessary on that issue. Defendants' Rule 12(b)(2) motion is to be filed on or before November 30, 2021, the same date Mr. Azad is to testify.

I write to request additional time to file motions on behalf of all Defendants. It is essential that Arshee as well as the other defendants be allowed to utilize and refer to Mr. Azad's testimony in support of the motion. As such, it is my intention to request the transcript of the hearing and to make use of it in furtherance of the motion to dismiss. Mr. Azad's testimony is highly relevant, if not dispositive, of the jurisdictional issue. For that reason, I ask for additional time to obtain the transcript and to then use the testimony in support of the motion as may be appropriate. Accordingly, I

request that the Court further extend Defendants' time to answer, move or otherwise respond to the Complaint to December 15, 2021. I have sought consent from Plaintiff's counsel via email dated Friday, November 26, 2021, but have received no response to date. Thank you for your consideration of this request.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'J. Carbonaro', written over the typed name.

Joseph W. Carbonaro

cc: Paul Tomkins, Esq.